

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOAO DIONISIO DE SOUSA,
Plaintiff(s),

-against-

REPÚBLICA BOLIVARIANA DE VENEZUELA, a sovereign nation, FONDO DE PROTECCIÓN SOCIAL DE LOS DEPÓSITOS BANCARIOS f/k/a/ FONDO DE GARANTÍA DE DEPÓSITOS Y PROTECCIÓN BANCARIA, an agency or instrumentality of the Bolivarian Republic of Venezuela,

Defendants,

\$6,000,000 HELD IN ACCOUNT NUMBERS XXXXXXXXXOOBO and XXXXXXXXX9187 HELD AT MORGAN STANLEY SMITH BARNEY LLC,

In Rem Defendants.

Case No. 1:25-cv-03341 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

The Court is in receipt of Plaintiff's letter motion seeking entry of an order authorizing service of the Summons and Complaint on Defendant República Bolivariana de Venezuela ("Venezuela") pursuant to 28 U.S.C § 1608(a)(4), and on Defendants Fondo de Protección Social de los Depósitos Bancarios f/k/a Fondo de Garnatía de Depósitos y Protección Bancaria ("FOGADE") and *In Rem* Defendant \$6,000,000 pursuant to 28 U.S.C. § 1608(b)(3)(C). Dkt. 19. The Court directs Plaintiff to file a supplemental letter addressing the following by **May 12, 2025**:

- Plaintiff's efforts, if any, to attempt service on any Defendant by "deliver[ing] a copy of the summons and complaint in accordance with any special arrangement for service between the plaintiff and the foreign state." 28 U.S.C. § 1608(a)(1); *accord id.* § 1608(b)(1) (similar); *see Chickpen, S.A. v. Bolivarian Republic of Venezuela*, No.

21-cv-00597 (AT), 2022 WL 1684275, at *2 (S.D.N.Y. May 26, 2022) (“[A] plaintiff must attempt service by the first method [in section 1608(a)] (or determine that it is unavailable) before proceeding to the second method, and so on.” (first alteration in original) (quoting *Angellino v. Royal Family Al-Saud*, 688 F.3d 771, 773 (D.C. Cir. 2012))); *Stansell v. Revolutionary Armed Forces of Columbia*, No. 16-mc-00405 (LGS) (SN), No. 18-mc-00545 (LGS) (SN), 2023 WL 6173524, at *6 (S.D.N.Y. Sept. 22, 2023) (explaining that section 1608(b) sets forth “hierarchical” mechanisms and “a litigant must ‘attempt and fail at service’ under subsection (1) before pursuing service under subsection (2)” and exhaust “methods (1) and (2) before using “any of the methods described in (3)(A), (3)(B), and (3)(C)” (first quoting *Howe v. Embassy of Italy*, 68 F. Supp. 3d 26, 32 (D.D.C. 2014); and then quoting *Holliday v. Islamic Republic of Iran*, 406 F. Supp. 3d 55, 63 (D.D.C. 2019))));

- Whether Plaintiff intends to suggest in his proposed order that Venezuela be served under 28 U.S.C. § 1608(b)(3)(C), *see* Dkt. 19-2 at 2, or whether this is a typographical error and Plaintiff is instead proposing that Venezuela be served pursuant to section 1608(a)(4) as set forth in his letter motion; and
- Whether Plaintiff proposes that the Court judicially authorize and appoint a specific process server to deliver copies of the summons and complaint, together with translations of each, to FOGADE and the *In Rem* Defendant, and if not, why not. *See, e.g.*, *Stansell*, 2023 WL 6173524, at *8 (appointing D’Empaire Reyna Abogados as special process server).

Dated: May 6, 2025
 New York, New York

SO ORDERED.


 JENNIFER L. ROCHON
 United States District Judge